## CHEROKEE NATION EVNIRONMENTAL PROTECTION COMMISSION Cherokee Nation Environmental Protection Office 206 E. Allen Road, Tahlequah OK,

## Minutes of the regular Commission meeting on March 3, 2005

PRESENT:

Commissioners: Cheryl Cohenour and Ed Fite

STAFF AND GUESTS:

S. Joe Crittenden, Cherokee Nation Tribal Council
Jeannine Hale, Acting Administrator Environmental Programs
Tom Elkins, Director Office of Environmental Programs (OEP)
Nancy John, Director, Office of Environmental Service (OES)
Angela Drewes, Acting Director, Natural Resources
Doug Bane, Tribal Resources/CN Landfill Operations
Wayne Isaacs, OEP
Mitch Fram, OSU
Randy Gee, OES
Jerrid Diffe, OES
Bobby Short, OES
Michael Lynn, Community Services/Environmental Health
Pat Gwin, Natural Resources
Billy Hix, Community Services/Environmental Health

- 1. Chairman Fite called the meeting to order at 11:10 a.m. and placed the Record of Public Notice and agenda of the March meeting into the official record.
- 2. Commissioner Cohenour made a motion to approve the minutes from the February 3, 2005, meeting. Chairman Fite seconded the motion. The vote to approve the minutes was unanimous.
- 3. Reports
  - a. Office of Environmental Protection Director Tom Elkins provided a written report which was placed into the record
  - b. Office of Environmental Services Director Nancy John provided a written report which was placed into the record
  - c. Natural Resources Department Pat Gwin provided a written report which was placed into the record. Mr. Gwin also reported on a recent discovery of caves possibly containing

- significant populations of the endangered Ozark big eared bat.
- d. Water, sewer and roads NEPA activities Billy Hix and Michael Lynn
- 4. Cooperative education projects with OSU Extension- A presentation was made Mitch Fram. Mr. Fram provided written information and requested a letter of commitment from the Cherokee Nation for the Okalahoma Green Country Watershed Education Project.

Commissioner Cohenour made a motion to support the project and provide the letter of commitment. Chairman Fite seconded the motion. The vote to approve was unanimous.

5. Statutory revisions for Underground and Aboveground Storage Tanks – Administrator Jeannine Hale discussed the proposed Storage Tank Accountability and Regulatory System (STARS) legislation before the Commission. The Commission and other discussed minor modifications in wording that might be appropriate and discussed the section relating to reporting of releases.

Commissioner Cohenour made a motion to approve pass the STARS legislation with changes that were discussed. [laura let me hear the tape on this please] Chairman Fite seconded the motion. The vote to approve the STARS legislation was unanimous.

## 6. Cherokee Nation Landfill:

Operations- Doug Bane reported that there are 45 to 60 days of space left at the landfill. Tonnage has dropped off some. It is in the 650 to 700 ton range because to the season. The landfill is extremely short of air space and crews are currently doing dirt work to expand and have a plan for doing that. A boring plan was recently received from prospective contractors Indian Country Investments.

Monitoring- Billy Hix reported on the quarterly inspection. The landfill is operating in good order. The only concern is the rate at which the landfill is filling up.

Trust perspective- Pat Gwin reported that the four points suggested for the boring plan should be sampled right away. A draft contract with ICI has been received. The borings should be in commenceed by the next meeting.

Landfill Team- Jeannine Hale reported that she and other CN staff attended a meeting at Commissioner Cohenour's office with ICI. ICI gave a power point presentation. One of the things

they want to do is to expand the landfill area. The other side will need to have additional discharge points and there is a major issue with that - can the landfill lawfully add new discharge points? ICI stated that additional discharge points would be required if they are to proceed with the contract. ICI also wants to bring in industrial waste. The CN/EPC would need to set criteria for industrial waste.

Ms. Cohenour also reported that, at the meeting, ICI proposed three distinct phase for the operation of the landfill. The first phase would be to perform studies to maximize design capacity. The second phase would be to create a master plan. The third phase would be to address the issue of EPC permits.

Ms. Hale pointed out that she spoke to Director of Realty at CN and EPC can issue both the tribe and owner/ operator separate permits as long the tribe retains substantial control over the landfill. EPC could issue a permit to ICI as the sub-operator.

Councilman <u>Keener</u>,[laura this is not the right council member is it] asked if CN has thoroughly researched the company and what other types of industrial waste they have put in other places.

Commissioner Cohenour made a motion to direct Mr. Bane to continue to operate the landfill as if there is no pending contract and to do whatever it takes to keep it open, in compliance and in operation. Chairman Fite seconded the motion. The vote to approve the motion was unanimous.

- 8. Report and discussion of other legislation. [laura, please check that each item number matches the agenda item]
  The EPC would prefer that there be a separate Conservation Code that would set the Cherokee Nation apart from everyone else.
- 9. Administrator's Report:
  - CN is working on the Hazardous Waste Code.
  - CN is constructing a new pavilion at the cultural grounds and will need to put in a septic system or other appropriate wastewater facilities.
  - Jeannine went to Washington D.C. to meet with the Corps of Engineers about tribal water rights and the Tenkiller water storage contract. CN will supply the COE with more information. The Corps was not willing to take a stand at this time on whether CN has water rights.

10. New Business- A report was presented by Tom Elkins on issues relating to Cherry Tree Lagoon.

Commissioner Cohenour made a motion that CN purchase bentonite clay and place it along the south and west banks and toe of the secondary lagoon to prevent leakage from the lagoon by the next EPC meeting if at all possible. Chairman Fite seconded the motion. The vote to approve the motion was unanimous.

- 11. Miscellaneous Discussion -- none
- 12. Commissioner Cohenour made a motion to adjourn. Chairman Fite seconded the motion. The vote to approve the motion was unanimous.